

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

VISTO CORPORATION,  
Plaintiff and Counterclaim-Defendant,  
v.  
RESEARCH IN MOTION LIMITED, and  
RESEARCH IN MOTION  
CORPORATION  
Defendants and Counterclaim-Plaintiffs.

Case No. CV-08-0031-MSC  
Court of Original Jurisdiction:  
Civil Action No. 2-06-CV-181-TJW(CE)  
United States District Court For The Eastern  
District of Texas - Marshall Division  
**[PROPOSED] ORDER RE GOOGLE'S  
MOTION TO QUASH, OR IN THE  
ALTERNATIVE, FOR PROTECTIVE  
ORDER; VISTO'S CROSS-MOTION TO  
COMPEL**

Before the Court is Google, Inc.'s Motion to Quash Subpoena, or in the Alternative, For Protective Order, and Visto Corporation's Cross-Motion to Compel Google to Comply with Third-Party Subpoena. After considering the motions, along with the response and replies, and all evidence presented by the parties, the Court finds that Google, Inc.'s Motion to Quash Subpoena, or in the Alternative, For Protective Order should be and hereby is DENIED, and Visto Corporation's Cross-Motion to Compel Google, Inc. to Comply with Third-Party Subpoena should be and hereby is GRANTED.

It is, therefore, ORDERED, ADJUDGED and DECREED that Google, Inc.'s Motion to Quash Subpoena, or in the Alternative, For Protective Order is denied.

It is further ORDERED, ADJUDGED and DECREED that within five (5) business days from the date of this Order, Google, Inc. shall produce to Visto Corporation copies of all

1 documents within its possession, custody, or control that are responsive to the subpoena served  
2 on Google, Inc.

3  
4 It is further ORDERED, ADJUDGED and DECREED that within five (5) business days  
5 from the date of this Order, Google, Inc. shall identify and produce a corporate representative for  
6 deposition on the topics listed in the subpoena served on Google, Inc.

7  
8 It is further ORDERED, ADJUDGED and DECREED that Google, Inc. reimburse Visto  
9 Corporation for the attorneys' fees and costs associated with the preparation of this motion.

10 IT IS SO ORDERED.

11 Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2008

12  
13  
14  
15 UNITED STATES DISTRICT JUDGE  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28